

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated October 29, 2009 and, thus, the application is in condition for allowance.

By this reply, claims 12 and 13 have been amended. Claims 18-27 have been added. Claims 12-16 and 18-27 remain pending. Of these, claims 12 and 13 are independent. An expedited review and allowance of the application is respectfully requested.

Rejection under 35 U.S.C. §112

In the outstanding Office Action, claims 12 and 13 were rejected under 35 U.S.C. §112, second paragraph, as failing to comply with the written description requirement. Specifically, it is asserted that there is no support in the specification for “to determine that a handoff selector switch is not in an override position,” and “determining that a handoff selector switch is not in an override position.” Applicants respectfully traverse. While not necessarily agreeing with the assertions in the Office Action, and solely to expedite the prosecution of this application, the offending claims have been amended and the rejection should be withdrawn.

Rejections under 35 U.S.C. §103

In the outstanding Office Action, claims 12, 14, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pan et al. (2004/0192294) in view of Segal et al. (2005/0047435) and Jiang et al. (20040087305). It is asserted that Pan discloses an 802.1x network containing all of the features of the claimed invention, but for the 802.1x comprising a server, and determining a position of handoff selector switch. It is also asserted that Segal does disclose an 802.1x comprising a server and Jiang discloses determining a position of a handoff selector switch. It is further asserted that the combination of these references would have been

obvious to one of ordinary skill in the art at the time of the invention. Applicants respectfully traverse.

None of the cited references, alone nor in any combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, neither Pan, Segal, nor Jiang teaches or suggests wherein during a call handoff switch the cellular network assigns the wireless device a second IP address, the wireless device communicates signaling information and IP connectivity information to the access point, the access point communicates the signaling information and the IP connectivity information to the server, the IP connectivity information including the second IP address, and the server causes a communication link using the second IP address over the cellular network. Support for this feature can be found, for instance, in paragraph [0024] of the specification as published. The claimed features provide for a seamless call handoff between an 802.1x network and a cellular network. Pan discloses managing a communication network having an area of coverage in which the communication network is associated with a media gateway that communicates with a plurality of mobile stations (Pan, Paragraph [0010]). Pan discloses logic to determine when a call handoff switch is to occur, but does not disclose a call handoff in the same way as it is accomplished in the present invention. Pan does not disclose the use of multiple IP addresses, wherein the cellular network assigns the wireless device a new IP address. This feature is simply not present in Pan. Thus, the manner in which the claimed invention operates cannot be obviated by Pan.

Segal fails to cure the deficiencies of Pan because Segal also lacks these features. Segal discloses facilitating handoffs between communication systems (Segal, Paragraph [0009]). However, any such handoff occurs in a completely different manner than the present invention. Nowhere does Segal disclose a cellular network assigning an IP address to a wireless device.

This feature is not found anywhere within Segal. Any addresses for a wireless device are already present on the wireless device. Thus, any connection to a cellular network does not occur in the same way as in the present invention. Therefore, Segal cannot cure the deficiencies of Pan with respect to the present invention.

Jiang also fails to cure the deficiencies of Pan and Segal with respect to the present invention. Jiang discloses directing wireless network voice and data traffic under control of a network operator when a subscriber is roaming (Jiang, Paragraph [0030]). Jiang basically prevents a user device from roaming on a non-preferred network (Jiang, Paragraph [0030]). Nowhere does Jiang disclose any assignment of IP addresses. Therefore, Jiang cannot possibly disclose a cellular network assigning a new IP address to a wireless device. This feature is simply not present. For at least this reason, the rejection should be withdrawn.

Thus, neither Pan, Segal, nor Jiang, alone or in combination, teaches all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Pan, Segal, or Jiang. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 13 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Baw (20040105434) in view of Jiang, and further in view of Sundar et al. (20030134638). Specifically, it is asserted that Baw discloses a cellular network

containing each of the features claimed in the present invention, but for a network wherein the call handoff circuitry determines when a first signal strength from an 802.1x network falls below a first threshold, determines when a second signal strength of a cellular network rises above a second threshold, and determines that a handoff selector switch is not in an override position. It is further asserted that Jiang and Sundar disclose these deficiencies and that the combination of the references would have been obvious to one of ordinary skill in the art at the time of the invention. Applicants respectfully traverse.

None of the cited references, alone nor in any combination, disclose or fairly suggest the present invention as recited in independent claim 13 and dependent claim 16. For example, Baw, Jiang, and Sunder do not teach or suggest, among other things, the feature wherein during a call handoff switch the cellular network assigns the wireless device a second IP address, the wireless device communicates signaling information and IP connectivity information to the access point, the access point communicates the signaling information and the IP connectivity information to the call handoff circuitry, the IP connectivity information including the second IP address, and the call handoff circuitry causes a communication link using the second IP address over the cellular network. As stated above, this feature is present, for instance, in paragraph [0024] of the specification. Baw discloses a proprietary algorithm that compares various parameters and decides on when to make the handoff (Baw, Paragraph [0204]). However, Baw does not disclose a cellular network assigning a new IP address to a wireless device. In fact, Baw specifically teaches away from using IP addresses. Baw states that no IP addresses are required, thus decreasing transaction overhead and improving system performance dramatically (Baw, Paragraph [0067]). Therefore, Baw cannot possibly disclose the claimed features, nor can it be

used as a reference, as Baw specifically teaches away from the manner of switching used by the present invention.

Jiang cannot cure this deficiency because Jiang also lacks this feature. As stated above, nowhere does Jiang disclose any assignment of IP addresses. Therefore, Jiang cannot possibly disclose a cellular network assigning a new IP address to a wireless device.

Sundar cannot cure the deficiencies of Baw and Jiang because Sundar also lacks at least this feature. Sundar discloses a mobile switching center that is provisioned to act as a serving MSC for a WLAN (Sundar, Paragraph [0021]). While Sundar does disclose switching between WLAN and WWAN environments, any such switch occurs in a different manner than in the claimed invention. For instance, nowhere does a cellular network assign a new IP address to a wireless device. Such a feature cannot be found in Sundar. Thus, Sundar cannot cure the deficiencies of Baw and Jiang with respect to the present invention as claimed. For at least this reason, the rejection should be withdrawn.

Thus, neither Baw, Jiang, nor Sundar, alone or in combination, teaches all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Baw, Jiang, or Sundar. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

Newly added claims 18-27 are further dependent claims, dependent upon claims 12 and 13, which have been traversed above. These dependent claims add features that further distinguish the claims and contain no new matter.

No extension of time is believed to be necessary for entering this amendment. If any fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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